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SUBJECT: STATE OF DETENTION FACILITIES IN IRAQ: NORTH AND
WEST

REF: BAGHDAD 1667

1. (SBU) SUMMARY: Similar to conditions in southern and central Iraq, there are serious problems with overcrowding in detention facilities in northern and western Iraq. Ongoing GOI military operations and a lack of sufficient facilities, especially prisons, have exacerbated overcrowding in Diyala and Al-Anbar. Almost all the facilities are experiencing a lack of food, medical care, and basic supplies. There are also widespread reports of delays in judicial processing. There are some, although fewer than before, allegations of abuse and torture, specifically during the investigation period. For non-KRG facilities, the most immediate need is more prison space. Detention facilities in the KRG are in relatively better condition, and the KRG reformed its detention operations in 2008 in order to improve conditions. Currently the primary concern with KRG detention facilities is the treatment of pre-trial detainees, as there are still reports of forced confessions. END SUMMARY.

2. (SBU) PRTs and ePRTs around the country have increased efforts to visit and inspect GOI detention facilities in northern and west Iraq. (Note: The state of detention facilities in southern Iraq reported septel. End Note.) Detention facilities are run by four GOI ministries and two KRG ministries. (Note: The KRG also has security facilities run by its intelligence service, Asayish. End Note.) The Ministry of Interior (MoI) runs pre-trial detention facilities, or jails, and also holds detainees in numerous police stations. There are five National Police detention facilities and 275 Iraqi Police facilities around the country, except for in the KRG. The Ministry of Defense (MoD) operates Iraqi Army (IA) detention facilities. There are approximately 29 MoD facilities above the brigade level. The Ministry of Labor and Social Affairs (MoLSA) operates two juvenile facilities in Baghdad. (Note: The Ministry of Justice runs the other seven juvenile facilities outside of the KRG. Juveniles are also held at various MoI facilities across the country, sometimes in their own quasi-facility but generally in a separate cell from the adults. End Note.) The Ministry of Justice (MoJ) runs all post-trial prisons and some pre-trial facilities. (Note: The MoJ has the legal responsibility to operate all detention facilities in the country other than temporary holding facilities (i.e., police station holding cells). End Note.) In the KRG, all post-trial prisons are under the KRG Ministry of Labor and Social Welfare (KMoLSW). Pre-trial facilities are operated by the KRG MoI. On September 1, the MoI had 8815 pre-trial detainees and MoD had 1,601 pre-trial detainees. There were 9,581 additional pre-trial detainees and 10,522 post-trial prisoners in MoJ, KRG, and MoLSA custody.

DIYALA

3. (SBU) The main concern in Diyala detention facilities is

massive overcrowding, which has been exacerbated by ongoing military operations in the province. The crowded jails, which have recently absorbed almost 600 new detainees in the GOI military operations, have caused shortages in food, water, and medical treatment. The worst overcrowding is in the MoJ pre-trial facility in Baqubah, which is at 300 percent over capacity, and the Fifth IA Division holding facility. PRT officers regularly visit the MoD, MoJ, and MoI facilities in the province and note concerns about the increased strains on the facilities by increasing detainee populations.

14. (SBU) The MoD Fifth IA Division detention facility at Khamees houses approximately 360 men, four women, and a child, in a facility designed for around 180 detainees. The women are separated from the men and housed in a cell with no electricity. The men are in overcrowded cells that make it difficult for detainees to have enough room to sleep. There is no air conditioning, conditions are unsanitary, and outside exercise or recreation is not allowed. On a recent visit, PRTOffs noted evidence of abuse of one detainee. There is access to medical care, and each detainee is examined by a doctor.

15. (SBU) The PRT and U.S. Military officials regularly visit three MoI jails in Diyala. In the most recent visit to Baqubah Jail and Major Crimes Unit, which are collocated, there were 634 detainees in the jail and 88 detainees in the Major Crimes Unit, including two juveniles. (Note: The ten year old has since been released by the Court of Cassation. End Note.) PRTOffs took note of 13 blindfolded detainees with their hands tied behind their backs who had been sitting in a hallway for three days waiting to see a judge. (Note: PRTOffs asked prison officials to at least tie their hands in front of their bodies. The request was agreed to, and the

prison officials noted that the detainees are untied at night and allowed to sleep. End Note.) They also noted a ten year old juvenile housed with adult males in a large cell. The Khan Bani Saad Jail held 59 detainees (well over the capacity of 20) in the last PRT visit, and was in relatively better condition than the others. However, the detainees are not given food by the jail and have to rely on food from their families. The Khalis Jail held 100 detainees in a facility designed for 50. All three jails were grossly overcrowded and unsanitary, with little ventilation to ameliorate the foul smells. Detainees in Baqubah and Khalis reported several cases of scabies and other contagious skin diseases.

SALAH AD-DIN

16. (SBU) Previous reporting on the Tikrit jail (reftel and unclassified O/I July 22), has highlighted the problems with overcrowding and its effect on health and security. During visits of provincial jails, PRTOffs saw overcrowding and unsanitary conditions, particularly in the Tikrit Terrorist Jail. There are plans for the GOI to build a new 1000-bed jail; however construction has not begun, and the facility will not likely be ready before the end of 2009.

17. (SBU) Since the issue was raised in June, the PRT has intensified efforts to visit the jail and raise issues of concern with Iraqi officials. PRT officials have brought Iraqi parliamentarians, military commanders, health officials, engineers, and judicial authorities to visit the jail in order to find solutions to expand the facility, improve health facilities, and improve coordination between the police and judicial authorities. MNF-I DCG visited the facility with the MoI Inspector General to increase pressure on the MoI to improve its detention facilities.

AL-ANBAR

18. (SBU) The MoI operates several jails in Al-Anbar

province, all at over-capacity levels. Although there is a strong need for a prison in the province, the MoJ does not operate a post-trial facility in the area. The USG is in the process of acquiring land on which to build a 1500-bed prison in Ramadi to relieve some overcrowding problems. (Note: There is a dispute between the MoJ and Ministry of Finance on the land title. If this is not resolved soon, the USG will lose the funding for this prison. End Note.) Causing much of the overcrowding is the problem with judicial delays. EPRTs in Ramadi and Fallujah report long delays in the judicial process, with some pre-trial detainees being held in jails for over a year before trial. The biggest cause of the delays is the lack of coordination between the investigative judges and the police on moving cases forward. Additionally, there are reports that police hold some cases back for bribes.

¶9. (SBU) Facilities in Anbar faced shortages of food for detainees over the last several months. The MoJ, which legally has the responsibility to provide food for all detention facilities, had neglected to provide funding for food to detainees in Anbar. Detainees had to rely on food donations from family members and a U.S. Military CERP program that provided food from January to June. In July, the MoJ finally signed a contract for food distribution to Anbar facilities; however, some western facilities still report a lack of food.

¶10. (SBU) The Fallujah jail has capacity for 100 detainees but usually has between 350-400 detainees. The conditions in the facility are bad, with both juvenile and adult detainees crammed into small rooms. There is evidence of scabies, which has the capability to spread easily. The facility is run by the Major Crimes Unit of the police, whose focus is investigations and not maintaining and overseeing detention facilities. Many reports indicate cases of abuse during the investigations by the major crimes unit.

¶11. (SBU) There are five district MoI jails, for pre-trial detainees, and one provincial jail in Ramadi. The provincial jail is used to hold detainees awaiting trial and those post trial awaiting transfer to a prison. Previously, detainees were held at smaller facilities in the province, experiencing inconsistent methods of treatment, but the system was consolidated to create a more efficient and humane system. Detainees now are in facilities with air conditioning, at times, and are now allowed outside recreation time. A new provincial jail will be completed in early 2009 and will ease some overcrowding problems. While overcrowding is an issue, there have been drastic improvements from previous

conditions. The Ramadi ePRT assists in training classes for the police and will soon begin a training course designed to improve correction standards for jail managers. The ePRT is also working with the Commission of Integrity on establishing anti-corruption training classes.

¶12. (SBU) The ePRT inspects each of the MoI facilities in Ramadi. The Jazeera IP station, with a capacity of 40, is new and in good condition. Shamiya IP station is also a new, clean facility but is more congested. The North IP station holds about 100 detainees and is well maintained and managed by an engaged staff. Shabab is an older facility with a crumbling infrastructure. Although there have been improvements in sanitary conditions over the year, the physical plant is still in bad shape, and about 90 detainees are in three cramped cages, acting as cells, generally without air conditioning. The East IP station is in poor condition and is in need of rehabilitation. Detainees are held in the basement with limited light and electricity. These facilities are visited by a Ministry of Health doctor on a weekly basis. Detainees are either allowed to spend time outside twice a week or daily, depending on the facility. Some detainees report they have spent months in the jail, but most at least said they had seen an investigative judge. The Provincial Transfer Jail is a temporary holding station for those awaiting trial or transfer to a prison and is relatively new and

well-maintained. It is the only facility with a doctor on site.

KIRKUK

¶13. (SBU) There are two pre-trial facilities in Kirkuk, a jail and juvenile detention facility. There is no post-trial prison in the province, and prisoners are either transferred to Ft. Suse prison in Sulaymaniyah or Badush prison in Ninewa. The judiciary, police, and government leaders agree that Kirkuk is in need of a post-trial facility. Provincial authorities have not addressed any of the concerns from the jail on improving conditions and capacity.

¶14. (SBU) The Kirkuk Jail comprises two buildings, one built by the USG in 2007 and another older building. Currently, the jail is a little over capacity, but crowding has improved this year with over a hundred amnesty releases. According to Colonel Korsheed, who runs the jail, there have been no complaints of human rights abuses or torture; the PRT has also not received any reports of torture or abuse at the jail. The detainees have access to medical care full time and limited outdoor time. There are no rehabilitation and educational programs at the jail because it is a pre-trial facility and intended to only house prisoners for a short period of time.

¶15. (SBU) The PRT most recently visited the Kirkuk Juvenile detention facility in August. There were 15 juvenile males detained in one cell. Due to a past bombing of the facility, four rooms were destroyed, limiting capacities of the facility. There is no longer any space for female juveniles, so the facility is currently all male. The one room is in poor condition; there are not enough beds or space, and there is mold growing on the walls making the juveniles sick. After sentencing, juvenile prisoners would be transferred to the Northern Juvenile General Prison in Sulaymaniyah. However, the KRG recently decided it would no longer accept juvenile detainees or women from Kirkuk to the post-trial facility. This has forced sentenced juveniles to remain at the Kirkuk pre-trial jail. The development is exacerbating existing overcrowding concerns and needs to be addressed.

KRG

¶16. (SBU) The KRG reformed its prisons system through several executive decisions in the first quarter of 2008, putting control of all post-trial prisons under the KRG Ministry of Labor and Social Welfare (KMoLSW). (Note: Previously, some were under KMoLSW and some under the KRG MoI. End Note.) Pre-trial facilities remained with the KRG MoI. A KRG Prime Ministerial special committee that was formed in response to criticism from international human rights report promoted this reform, according to the KRG Minister of Labor and Social Welfare. Currently, the primary concern with KRG detention facilities is the treatment of pre-trial detainees, as there are still reports that coercion is used to influence confessions. Human Rights Watch registered concern in 2007 that some interpreted the regional Anti-Terrorism Law of 2007 as allowing coerced confessions as long as there was some corroborating evidence. There are two

federal prisons in the KRG region that house prisoners from around the country. Both of these, Ft. Suse and a new facility at Chamchamal that is under construction, are in Sulaymaniyah province and are run by the federal MoJ. The KRG intelligence services (the Asayish, which are under regional ministerial authority), and two party security institutions that do not report to the elected government) also operate pre-trial detention facilities, which are not monitored by outside entities. The Erbil RRT does not have mandate to fund or contribute to programs related to detention facilities but does monitor and report on prisons as possible. The KRG funds the staffing, supply, operations,

and maintenance of all regional prisons and pre-trial detention facilities in the KRG without any direct linkage to national resources.

¶17. (SBU) The RRT conducted its first inspection of facilities in Sulaymaniyah in February, not including security force facilities, which are restricted. RRTOffs also meet with the Minister and Director General of the KMoLSW, who reports that the ministry is actively trying to address concerns raised in human rights reports on the region, such as improving the quality of life of detainees and increasing access to occupational training. The ministry has a clear tracking system for detainees, which is linked to the court systems. (Comment: This level of tracking information and detainee information is more advanced than GOI facilities, where there are no standard procedures for tracking detainees. End Comment.) There is a separate prison for women, which includes a wing for juveniles. The facility is well-resourced and maintained, and the KRG is planning to build a larger facility in 2009.

COMMENT

¶18. (SBU) To ease overcrowding issues, Post will continue to push for resolution of the land title dispute in order to begin building a prison in Al-Anbar. We will also continue urging ministries to budget for new detention facility construction, specifically in areas of primary concern. Detainees from recent operations are awaiting judicial processing, and Post and the Military will monitor which facilities are in dire need of more investigative judges and encourage judges from Baghdad to travel to the provinces and process detainees. The PRTs and Military will continue to visit more MoI and MoD facilities, and we will rely on reporting from the PRTs and MNF-I, MNC-I, MNSTC-I, and TF134, who all conduct extensive inspection duties. Our presence in the facilities has been beneficial to improving conditions, and we will continue to place pressure on GOI and detention facility officials.
CROCKER